

**SUPREME COURT MINUTES
TUESDAY, JUNE 28, 2005
SAN FRANCISCO, CALIFORNIA**

S119066

B137034 Second Appellate District,
B117225 Division Four

PEOPLE v. SALAZAR

Time extended to consider modification or rehearing

to September 2, 2005 or the date upon which
rehearing is either granted or denied.

S065467

PEOPLE v. MENDOZA (RONALD)

Extension of time granted

to August 23, 2005 to file appellant's opening
brief. After that date, only two further
extensions totaling about 150 additional days
will be granted. Extension is granted based
upon Assistant State Public Defender Denise
Kendall's representation that she anticipates
filing that brief by 1/20/2006.

S065877

PEOPLE v. LOPEZ, SERNA & TRUJEQUE

Extension of time granted

to August 18, 2005 to appellant LOPEZ to
request correction of the record in the superior
court. Counsel for appellant is ordered to serve
a copy of the record correction motion on this
court upon its filing in the superior court.

S082915

PEOPLE v. EUBANKS (SUSAN D.)

Extension of time granted

to August 22, 2005 to file appellant's opening
brief.

S126020

MORALES (JOSE) ON H.C.

Extension of time granted

Respondent's time to serve and filed the infomal
response is extended to and including
August 11, 2005.

S128640

F043125 Fifth Appellate District

PEOPLE v. WELLS

Extension of time granted

Respondent's time to serve and file the answer brief on the merits is extended to and including July 5, 2005.

S129896

D042645 Fourth Appellate District,
Division One

PEOPLE v. CALHOUN

Extension of time granted

to June 29, 2005 for appellant George Waller to file answer brief on the merits.

S132814

B163115 Second Appellate District,
Division Two

OAKLAND RAIDERS v. NATIONAL FOOTBALL
LEAGUE; TAGLIABUE

Extension of time granted

to September 6, 2005 to file the Appellant's Opening Brief.

S132972

C044653 Third Appellate District

VINEYARD AREA CITIZENS v. CITY OF RANCHO
CORDOVA; SUNRISE DOUGLAS PROPERTY

Extension of time granted

to August 7, 2005 to file Appellant's Opening Brief.

S133076

SOLER (RAMONE S.) ON H.C.

Extension of time granted

to July 27, 2005 for Attorney General to file the informal response.

S133884

B152959 Second Appellate District,
Division Four

BOEKEN v. PHILIP MORRIS

Extension of time granted

to July 11, 2005 to file the answer to the Petition for Review. The reply, if any, is due July 21, 2005.

S081479

PEOPLE v. MOORE (RONALD)
Order appointing State Public Defender filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. California* (2000) 528 U.S. 152.) On the court's own motion, the State Public Defender is appointed to represent appellant Ronald Wayne Moore for the direct appeal in the above automatic appeal now pending in this court.

S133787
B173406 Second Appellate District,
Division Four

PEOPLE v. SANDOVAL
Counsel appointment order filed

Mary Woodward Wells appointed to represent appellant on the appeal now pending in this court.

S134756
B182456 Second Appellate District,
Division Four

BENAVIDES v. S.C. (PEOPLE)
Order filed

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S118232

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 23, 2003, effective September 16, 2003, be amended nunc pro tunc to strike the name of **James Stanley White**.

S126962

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES
Order filed

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 27, 2004, effective September 16, 2004, be amended nunc pro tunc to strike the name of **James Elliott Williams**.

S132860

MALONEY ON DISCIPLINE
Recommended discipline imposed

It is ordered that **PATRICK JOSEPH MALONEY, State Bar No. 42963**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Review Department of the State Bar Court in its opinion filed on January 14, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132861**VIRSIK ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **THOMAS STEVEN VIRSIK, State Bar No. 188945**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on January 14, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S132862**MIDDLETON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **WILLIAM JESTUS MIDDLETON, State Bar No. 89728**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 3, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S132863**KEMP ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JULIA ANN KEMP, State Bar No. 146670**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 15, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008, 2009 and 2010. (Bus. & Prof. Code section 6086.10.)

S132865**MANTHEI ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **RICK WILLIAM MANTHEI, State Bar No. 77292**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 4, 2005. Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S132866**DECKER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **CRAIG ALLRED DECKER, State Bar No. 55576**, be suspended from the practice of law for three years and until he has

shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years, as recommended by the Hearing Department of the State Bar Court in its decision filed on January 28, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132867

HYATT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **THOMAS LAURANCE HYATT, State Bar No. 152719**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that

he be actually suspended for six months and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California as recommended by the Hearing Department of the State Bar Court in its decision filed on January 18, 2005. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132868

WRIGHT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **WYNDELL JOHN WRIGHT, State Bar No. 127066**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to

standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; and until he makes restitution to Robert Davenport (or the Client Security Fund, if appropriate) in the amount of \$10,855 plus 10% interest per annum from December 2, 2003, and furnishes satisfactory proof thereof to the State Bar Office of Probation; and until he initiates and participates in a binding fee dispute arbitration with Robert Davenport at respondent's expense in regard to case no. 04-O-11873 and furnishes satisfactory proof thereof to the State Bar Office of Probation, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he complies with standard 1.4(c)(ii), makes restitution and completes fee arbitration as described above. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation December 2, 2004, as modified by its order filed on March 1, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006, 2007 and 2008. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S132869

DELANEY ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **HELEN LOUISE DELANEY, State Bar No. 105560**, be disbarred from the practice of law and that her

name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S132873**AHLUWALIA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Madan Mohan Singh Ahluwalia, State Bar No. 175664**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed February 8, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S132898**SNEED ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **WILLIAM C. SNEED, JR., State Bar No. 173576**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he

be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed February 24, 2005. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S132899**WYRICK ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **RICHARD LAVERN WYRICK, State Bar No. 42504**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S134624**RUHL ON RESIGNATION**

The voluntary resignation of **Kathaleen Mary Ruhl, State Bar No. 187021**, as a member of the State Bar of California is accepted.

S134625**PERSONS ON RESIGNATION**

The voluntary resignation of **Sharon J. Persons, State Bar No. 184565**, as a member of the State Bar of California is accepted.

S134626**SCHUCHMAN ON RESIGNATION**

The voluntary resignation of **Amy Nicole Schuchman, State Bar No. 223099**, as a member of the State Bar of California is accepted.

S134810

TRAIN ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Bruce Gibner Train, State Bar No. 46073**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S135062

ALVAREZ ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Michael Y. Alvarez, State Bar No. 111239**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)